



Sen. Michael E. Hastings

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LRB100 04116 HEP 24934 a

1 AMENDMENT TO HOUSE BILL 2537

2 AMENDMENT NO. _____. Amend House Bill 2537 by replacing
3 everything after the enacting clause with the following:

4 "(735 ILCS 5/21-103 rep.)

5 Section 5. The Code of Civil Procedure is amended by
6 repealing Section 21-103.

7 Section 10. The Code of Civil Procedure is amended by
8 adding Section 21-103.5 as follows:

9 (735 ILCS 5/21-103.5 new)

10 Sec. 21-103.5. Change of name involving a minor. In any
11 application for a change of name involving a minor, before a
12 judgment under this Article may be entered, actual notice and
13 an opportunity to be heard shall be given to any parent whose
14 parental rights have not been previously terminated and to any
15 person who has been allocated parental responsibilities under

1 Section 602.5 or 602.7 of the Illinois Marriage and Dissolution
2 of Marriage Act. If any of these persons is outside this State,
3 notice and an opportunity to be heard shall be given under
4 Section 21-104.

5 Section 15. The Illinois Marriage and Dissolution of
6 Marriage Act is amended by changing Sections 413 and 504 as
7 follows:

8 (750 ILCS 5/413) (from Ch. 40, par. 413)

9 Sec. 413. Judgment.

10 (a) A judgment of dissolution of marriage or of legal
11 separation or of declaration of invalidity of marriage shall be
12 entered within 60 days of the closing of proofs; however, if
13 the court enters an order specifying good cause as to why the
14 court needs an additional 30 days, the judgment shall be
15 entered within 90 days of the closing of proofs, including any
16 hearing under subsection (j) of Section 503 of this Act and
17 submission of closing arguments. A judgment of dissolution of
18 marriage or of legal separation or of declaration of invalidity
19 of marriage is final when entered, subject to the right of
20 appeal. An appeal from the judgment of dissolution of marriage
21 that does not challenge the finding as to grounds does not
22 delay the finality of that provision of the judgment which
23 dissolves the marriage, beyond the time for appealing from that
24 provision, and either of the parties may remarry pending

1 appeal. An order requiring maintenance or support of a spouse
2 or a minor child or children entered under this Act or any
3 other law of this State shall not be suspended or the
4 enforcement thereof stayed pending the filing and resolution of
5 post-judgment motions or an appeal.

6 (b) The clerk of the court shall give notice of the entry
7 of a judgment of dissolution of marriage or legal separation or
8 a declaration of invalidity of marriage:

9 (1) if the marriage is registered in this State, to the
10 county clerk of the county where the marriage is
11 registered, who shall enter the fact of dissolution of
12 marriage or legal separation or declaration of invalidity
13 of marriage in the marriage registry; and within 45 days
14 after the close of the month in which the judgment is
15 entered, the clerk shall forward the certificate to the
16 Department of Public Health on a form furnished by the
17 Department; or

18 (2) if the marriage is registered in another
19 jurisdiction, to the appropriate official of that
20 jurisdiction, with the request that he enter the fact of
21 dissolution of marriage or legal separation or declaration
22 of invalidity of marriage in the appropriate record.

23 (c) Unless the person whose marriage is dissolved or
24 declared invalid requests otherwise, the judgment under this
25 Section shall contain a provision authorizing the person to
26 resume the use of his or her former or maiden name, should he

1 or she choose to do so, at any time he or she chooses to do so.
2 ~~Upon request by a wife whose marriage is dissolved or declared~~
3 ~~invalid, the court shall order her maiden name or a former name~~
4 ~~restored.~~

5 (d) A judgment of dissolution of marriage or legal
6 separation, if made, shall be awarded to both of the parties,
7 and shall provide that it affects the status previously
8 existing between the parties in the manner adjudged.

9 (Source: P.A. 99-90, eff. 1-1-16.)

10 (750 ILCS 5/504) (from Ch. 40, par. 504)

11 Sec. 504. Maintenance.

12 (a) Entitlement to maintenance. In a proceeding for
13 dissolution of marriage or legal separation or declaration of
14 invalidity of marriage, or a proceeding for maintenance
15 following dissolution of the marriage by a court which lacked
16 personal jurisdiction over the absent spouse, the court may
17 grant a maintenance award for either spouse in amounts and for
18 periods of time as the court deems just, without regard to
19 marital misconduct, and the maintenance may be paid from the
20 income or property of the other spouse. The court shall first
21 determine whether a maintenance award is appropriate, after
22 consideration of all relevant factors, including:

23 (1) the income and property of each party, including
24 marital property apportioned and non-marital property
25 assigned to the party seeking maintenance as well as all

1 financial obligations imposed on the parties as a result of
2 the dissolution of marriage;

3 (2) the needs of each party;

4 (3) the realistic present and future earning capacity
5 of each party;

6 (4) any impairment of the present and future earning
7 capacity of the party seeking maintenance due to that party
8 devoting time to domestic duties or having forgone or
9 delayed education, training, employment, or career
10 opportunities due to the marriage;

11 (5) any impairment of the realistic present or future
12 earning capacity of the party against whom maintenance is
13 sought;

14 (6) the time necessary to enable the party seeking
15 maintenance to acquire appropriate education, training,
16 and employment, and whether that party is able to support
17 himself or herself through appropriate employment or any
18 parental responsibility arrangements and its effect on the
19 party seeking employment;

20 (7) the standard of living established during the
21 marriage;

22 (8) the duration of the marriage;

23 (9) the age, health, station, occupation, amount and
24 sources of income, vocational skills, employability,
25 estate, liabilities, and the needs of each of the parties;

26 (10) all sources of public and private income

1 including, without limitation, disability and retirement
2 income;

3 (11) the tax consequences of the property division upon
4 the respective economic circumstances of the parties;

5 (12) contributions and services by the party seeking
6 maintenance to the education, training, career or career
7 potential, or license of the other spouse;

8 (13) any valid agreement of the parties; and

9 (14) any other factor that the court expressly finds to
10 be just and equitable.

11 (b) (Blank).

12 (b-1) Amount and duration of maintenance. If the court
13 determines that a maintenance award is appropriate, the court
14 shall order maintenance in accordance with either paragraph (1)
15 or (2) of this subsection (b-1):

16 (1) Maintenance award in accordance with guidelines.
17 In situations when the combined gross annual income of the
18 parties is less than \$500,000 ~~\$250,000~~ and the payor has no
19 obligation to pay child support or maintenance or both from
20 a prior relationship, maintenance payable after the date
21 the parties' marriage is dissolved shall be in accordance
22 with subparagraphs (A) and (B) of this paragraph (1),
23 unless the court makes a finding that the application of
24 the guidelines would be inappropriate.

25 (A) The amount of maintenance under this paragraph

26 (1) shall be calculated by taking 30% of the payor's

1 gross annual income minus 20% of the payee's gross
2 annual income. The amount calculated as maintenance,
3 however, when added to the gross income of the payee,
4 may not result in the payee receiving an amount that is
5 in excess of 40% of the combined gross income of the
6 parties.

7 (B) The duration of an award under this paragraph
8 (1) shall be calculated by multiplying the length of
9 the marriage at the time the action was commenced by
10 whichever of the following factors applies: less than 5
11 years (.20); 5 years or more but less than 6 years
12 (.24); 6 years or more but less than 7 years (.28); 7
13 years or more but less than 8 years (.32); 8 years or
14 more but less than 9 years (.36); 9 years or more but
15 less than 10 years (.40); 10 years or more but less
16 than 11 years (.44); 11 years or more but less than 12
17 years (.48); 12 years or more but less than 13 years
18 (.52); 13 years or more but less than 14 years (.56);
19 14 years or more but less than 15 years (.60); 15 years
20 or more but less than 16 years (.64); 16 years or more
21 but less than 17 years (.68); 17 years or more but less
22 than 18 years (.72); 18 years or more but less than 19
23 years (.76); 19 years or more but less than 20 years
24 (.80). ~~5 years or less (.20); more than 5 years but~~
25 ~~less than 10 years (.40); 10 years or more but less~~
26 ~~than 15 years (.60); or 15 years or more but less than~~

1 ~~20 years (.80)~~. For a marriage of 20 or more years, the
2 court, in its discretion, shall order ~~either permanent~~
3 ~~maintenance or~~ maintenance for a period equal to the
4 length of the marriage or for an indefinite term.

5 (1.5) In the discretion of the court, any term of
6 temporary maintenance paid by court order pursuant to
7 Section 501 may be a corresponding credit to the duration
8 of maintenance set forth in subparagraph (b-1) (1) (B).

9 (2) Maintenance award not in accordance with
10 guidelines. Any non-guidelines award of maintenance shall
11 be made after the court's consideration of all relevant
12 factors set forth in subsection (a) of this Section.

13 (b-2) Findings. In each case involving the issue of
14 maintenance, the court shall make specific findings of fact, as
15 follows:

16 (1) the court shall state its reasoning for awarding or
17 not awarding maintenance and shall include references to
18 each relevant factor set forth in subsection (a) of this
19 Section; and

20 (2) if the court deviates from otherwise applicable
21 guidelines under paragraph (1) of subsection (b-1), it
22 shall state in its findings the amount of maintenance (if
23 determinable) or duration that would have been required
24 under the guidelines and the reasoning for any variance
25 from the guidelines.

26 (b-3) Gross income. For purposes of this Section, the term

1 "gross income" means all income from all sources, within the
2 scope of that phrase in Section 505 of this Act.

3 (b-4) Unallocated maintenance. Unless the parties
4 otherwise agree, the court may not order unallocated
5 maintenance and child support in any dissolution judgment or in
6 any post-dissolution order. In its discretion, the court may
7 order unallocated maintenance and child support in any
8 pre-dissolution temporary order.

9 (b-4.5) Fixed-term maintenance in marriages of less than 10
10 years. If a court grants maintenance for a fixed period under
11 subsection (a) of this Section at the conclusion of a case
12 commenced before the tenth anniversary of the marriage, the
13 court may also designate the termination of the period during
14 which this maintenance is to be paid as a "permanent
15 termination". The effect of this designation is that
16 maintenance is barred after the ending date of the period
17 during which maintenance is to be paid.

18 (b-5) Interest on maintenance. Any maintenance obligation
19 including any unallocated maintenance and child support
20 obligation, or any portion of any support obligation, that
21 becomes due and remains unpaid shall accrue simple interest as
22 set forth in Section 505 of this Act.

23 (b-7) Maintenance judgments. Any new or existing
24 maintenance order including any unallocated maintenance and
25 child support order entered by the court under this Section
26 shall be deemed to be a series of judgments against the person

1 obligated to pay support thereunder. Each such judgment to be
2 in the amount of each payment or installment of support and
3 each such judgment to be deemed entered as of the date the
4 corresponding payment or installment becomes due under the
5 terms of the support order, except no judgment shall arise as
6 to any installment coming due after the termination of
7 maintenance as provided by Section 510 of the Illinois Marriage
8 and Dissolution of Marriage Act or the provisions of any order
9 for maintenance. Each such judgment shall have the full force,
10 effect and attributes of any other judgment of this State,
11 including the ability to be enforced. Notwithstanding any other
12 State or local law to the contrary, a lien arises by operation
13 of law against the real and personal property of the obligor
14 for each installment of overdue support owed by the obligor.

15 (b-8) Upon review of any previously ordered maintenance
16 award, the court may extend maintenance for further review,
17 extend maintenance for a fixed non-modifiable term, extend
18 maintenance for an indefinite term, or permanently terminate
19 maintenance in accordance with subdivision (b-1)(1)(A) of this
20 Section.

21 (c) Maintenance during an appeal. The court may grant and
22 enforce the payment of maintenance during the pendency of an
23 appeal as the court shall deem reasonable and proper.

24 (d) Maintenance during imprisonment. No maintenance shall
25 accrue during the period in which a party is imprisoned for
26 failure to comply with the court's order for the payment of

1 such maintenance.

2 (e) Fees when maintenance is paid through the clerk. When
3 maintenance is to be paid through the clerk of the court in a
4 county of 1,000,000 inhabitants or less, the order shall direct
5 the obligor to pay to the clerk, in addition to the maintenance
6 payments, all fees imposed by the county board under paragraph
7 (3) of subsection (u) of Section 27.1 of the Clerks of Courts
8 Act. Unless paid in cash or pursuant to an order for
9 withholding, the payment of the fee shall be by a separate
10 instrument from the support payment and shall be made to the
11 order of the Clerk.

12 (f) Maintenance secured by life insurance. An award ordered
13 by a court upon entry of a dissolution judgment or upon entry
14 of an award of maintenance following a reservation of
15 maintenance in a dissolution judgment may be reasonably
16 secured, in whole or in part, by life insurance on the payor's
17 life on terms as to which the parties agree, or, if they do not
18 agree, on such terms determined by the court, subject to the
19 following:

20 (1) With respect to existing life insurance, provided
21 the court is apprised through evidence, stipulation, or
22 otherwise as to level of death benefits, premium, and other
23 relevant data and makes findings relative thereto, the
24 court may allocate death benefits, the right to assign
25 death benefits, or the obligation for future premium
26 payments between the parties as it deems just.

1 (2) To the extent the court determines that its award
2 should be secured, in whole or in part, by new life
3 insurance on the payor's life, the court may only order:

4 (i) that the payor cooperate on all appropriate
5 steps for the payee to obtain such new life insurance;
6 and

7 (ii) that the payee, at his or her sole option and
8 expense, may obtain such new life insurance on the
9 payor's life up to a maximum level of death benefit
10 coverage, or descending death benefit coverage, as is
11 set by the court, such level not to exceed a reasonable
12 amount in light of the court's award, with the payee or
13 the payee's designee being the beneficiary of such life
14 insurance.

15 In determining the maximum level of death benefit coverage,
16 the court shall take into account all relevant facts and
17 circumstances, including the impact on access to life
18 insurance by the maintenance payor. If in resolving any
19 issues under paragraph (2) of this subsection (f) a court
20 reviews any submitted or proposed application for new
21 insurance on the life of a maintenance payor, the review
22 shall be in camera.

23 (3) A judgment shall expressly set forth that all death
24 benefits paid under life insurance on a payor's life
25 maintained or obtained pursuant to this subsection to
26 secure maintenance are designated as excludable from the

1 gross income of the maintenance payee under Section
2 71(b)(1)(B) of the Internal Revenue Code, unless an
3 agreement or stipulation of the parties otherwise
4 provides.

5 (Source: P.A. 98-961, eff. 1-1-15; 99-90, eff. 1-1-16; 99-763,
6 eff. 1-1-17.)".